IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

Crl.MC.No. 1550 of 2007()

CRIME NO.104/07 OF PEERUMEDU POLICE STATION.

PETITIONER: ACCUSED 1 & 2

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1. RAVICHANDRAN,S/O.THANKARAJ,
VADALIVILA HOUSE,
WAGAMON VILLAGE.

2. AIDA RAVICHANDRAN,
W/O.RAVICHANDRAN,
VADALIVILA HOUSE,
WAGAMON VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.P.P.BIJU

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI.JIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1550 OF 2007

Dated this the 24th day of May, 2007

ORDER

The petitioners are accused 1 and 2 in a crime and they face allegations, inter alia, under Sec.326 read with Sec.34 of the IPC. The petitioners have not appeared before the Investigating Officer or the court. They apprehend imminent arrest. The learned counsel for the petitioners submits that the petitioners are willing to appear before the learned Magistrate and seek bail in the regular and ordinary course; but they apprehend that their applications for bail may not be considered on merits, in accordance with law and expeditiously.

2. It is for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which they could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the

petitioners' applications for regular bail on merits, in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

3. In the result, this Crl.M.C. is dismissed; but with the observation that if the petitioners surrender before the learned Magistrate and seek bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself, unless compelling and exceptional reasons are there.

4. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge